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of the State of California  
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7

8 Attorneys for Complainant

9 **BEFORE THE**  
10 **BOARD OF REGISTERED NURSING**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

13 CHRISTEENA LYNN ZYLSTRA,  
a.k.a. CHRISTEENA L. ZYLSTRA,  
14 a.k.a. CHRISTEENA LYNN JONES  
7415 N. Oakland Avenue  
15 Kansas City, MO 64158

16 Registered Nurse License No. 529154

17 Respondent.

Case No. 2007-143

**ORDER ON DEFAULT DECISION**

[Gov. Code §11520]

18  
19 IT IS SO ORDERED that Registered Nurse License Number 529154, heretofore  
20 issued to Respondent Christeena Lynn Zylstra, also known as Christeena L. Zylstra and  
21 Christeena Lynn Jones, is revoked.

22 Pursuant to Government Code section 11520, subdivision (c), Respondent may  
23 serve a written motion requesting that the Decision be vacated and stating the grounds relied on  
24 within seven (7) days after service of the Decision on Respondent. The agency in its discretion

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1 may vacate the Decision and grant a hearing on a showing of good cause, as defined in the  
2 statute.

3 This Decision shall become effective on October 28, 2007.

4 It is so ORDERED September 28, 2007

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6 *LaThene M Tate*

7 FOR THE BOARD OF REGISTERED NURSING  
8 DEPARTMENT OF CONSUMER AFFAIRS  
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STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

CHRISTEENA LYNN ZYLSTRA,  
a.k.a. CHRISTEENA L. ZYLSTRA,  
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7415 N. Oakland Avenue  
Kansas City, MO 64158

Registered Nurse License No. 529154

Respondent.

Case No. 2007-143

**DEFAULT DECISION**

[Gov. Code §11520]

**FINDINGS OF FACT**

1. On or about November 30, 2006, Complainant Ruth Ann Terry, M.P.H., R.N., in her official capacity as the Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs, filed Accusation No. 2007-143 against Christeena Lynn Zylstra, also known as Christeena L. Zylstra and Christeena Lynn Jones ("Respondent"), before the Board of Registered Nursing.

2. On or about January 22, 1997, the Board of Registered Nursing ("Board") issued Registered Nurse License Number 529154 to Respondent. Respondent's registered nurse license expired on August 31, 2006.

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1                   3.       On or about December 6, 2006, Carol L. Sekara, an employee of the  
2 Office of the Attorney General, served by Certified and First Class Mail a copy of the Accusation  
3 No. 2007-143, Statement to Respondent, Notice of Defense, Request for Discovery, and  
4 Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record  
5 with the Board, which was and is 7415 N. Oakland Avenue, Kansas City, MO 64158. A copy of  
6 the Accusation and the related documents are attached as exhibit A and are incorporated herein  
7 by reference.

8                   4.       Service of the Accusation was effective as a matter of law under the  
9 provisions of Government Code section 11505, subdivision (c).

10                  5.       Business and Professions Code section 118 states, in pertinent part:

11                   (b) The suspension, expiration, or forfeiture by operation of law of a  
12 license issued by a board in the department, or its suspension, forfeiture, or  
13 cancellation by order of the board or by order of a court of law, or its surrender  
14 without the written consent of the board, shall not, during any period in which it  
15 may be renewed, restored, reissued, or reinstated, deprive the board of its  
authority to institute or continue a disciplinary proceeding against the licensee  
upon any ground provided by law or to enter an order suspending or revoking the  
license or otherwise taking disciplinary action against the license on any such  
ground.

16                  6.       Government Code section 11506 states, in pertinent part:

17                   (c) The respondent shall be entitled to a hearing on the merits if the  
18 respondent files a notice of defense, and the notice shall be deemed a specific  
19 denial of all parts of the accusation not expressly admitted. Failure to file a notice  
of defense shall constitute a waiver of respondent's right to a hearing, but the  
agency in its discretion may nevertheless grant a hearing.

20                  7.       Respondent failed to file a Notice of Defense within 15 days after service  
21 upon her of the Accusation, and therefore waived her right to a hearing on the merits of  
22 Accusation No. 2007-143.

23                  8.       California Government Code section 11520 states, in pertinent part:

24                   (a) If the respondent either fails to file a notice of defense or to appear at  
25 the hearing, the agency may take action based upon the respondent's express  
26 admissions or upon other evidence and affidavits may be used as evidence without  
any notice to respondent.

27                  9.       Pursuant to its authority under Government Code section 11520, the Board  
28 finds Respondent is in default. The Board will take action without further hearing and, based on

Respondent's express admissions by way of default and the evidence before it, contained in exhibit A, finds that the allegations in Accusation No. 2007-143 are true.

10. The total costs for investigation and enforcement are \$247.50 as of July 25, 2007.

#### **DETERMINATION OF ISSUES**

1. Based on the foregoing findings of fact, Respondent Christeena Lynn Zylstra, also known as Christeena L. Zylstra and Christeena Lynn Jones, has subjected her Registered Nurse License Number 529154 to discipline.

2. A copy of the Accusation and the related documents are attached.

3. The agency has jurisdiction to adjudicate this case by default.

4. The Board of Registered Nursing is authorized to revoke Respondent's registered nurse license based upon the following violation alleged in the Accusation: Business and Professions Code section 2761, subdivision (a)(4) (disciplinary action by the Missouri State Board of Nursing).

Attachment:

Exhibit A: Accusation No.2007-143 and Related Documents

DOJ docket number:03579110-SA2006100870  
Zylstra, Christeena.def.wpd

Exhibit A

Accusation No. 2007-143 and Related Documents

1 BILL LOCKYER, Attorney General  
of the State of California  
2 ARTHUR D. TAGGART, State Bar No. 83047  
Lead Supervising Deputy Attorney General  
3 California Department of Justice  
1300 I Street, Suite 125  
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8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2007-143

13 CHRISTEENA LYNN ZYLSTRA,  
a.k.a. CHRISTEENA L. ZYLSTRA,  
14 a.k.a. CHRISTEENA LYNN JONES  
7415 N. Oakland Avenue  
Kansas City, MO 64158

**ACCUSATION**

15 Registered Nurse License No. 529154

16 Respondent.  
17

18 Complainant alleges:

19 **PARTIES**

20 1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation  
21 solely in her official capacity as the Executive Officer of the Board of Registered Nursing  
22 ("Board"), Department of Consumer Affairs.

23 2. On or about January 22, 1997, the Board issued Registered Nurse License  
24 Number 529154 to Christeena Lynn Zylstra, also known as Christeena L. Zylstra and Christeena  
25 Lynn Jones ("Respondent"). Respondent's registered nurse license expired on August 31, 2006.

26 **STATUTORY PROVISIONS**

27 3. Business and Professions Code ("Code") section 2750 provides, in  
28 pertinent part, that the Board may discipline any licensee, including a licensee holding a

1 temporary or an inactive license, for any reason provided in Article 3 (commencing with section  
2 2750) of the Nursing Practice Act.

3 4. Code section 2764 provides, in pertinent part, that the expiration of a  
4 license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding  
5 against the licensee or to render a decision imposing discipline on the license. Under Code  
6 section 2811, subdivision (b), the Board may renew an expired license at any time within eight  
7 years after the expiration.

8 5. Code section 2761, subdivision (a)(4), states that the Board may take  
9 disciplinary action against a certified or licensed nurse for unprofessional conduct, which  
10 includes, but is not limited to, denial of licensure, revocation, suspension, restriction, or any other  
11 disciplinary action against a health care professional license or certificate by another state or  
12 territory of the United States, by any other government agency, or by another California health  
13 care professional licensing board. A certified copy of the decision or judgment shall be  
14 conclusive evidence of that action.

#### 15 Cost Recovery

16 6. Code section 125.3 provides, in pertinent part, that the Board may request  
17 the administrative law judge to direct a licensee found to have committed a violation or  
18 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
19 and enforcement of the case.

#### 20 CAUSE FOR DISCIPLINE

##### 21 **(Disciplinary Action by the Missouri State Board of Nursing)**

22 7. Respondent is subject to disciplinary action pursuant to Code section  
23 2761, subdivision (a)(4), on the grounds of unprofessional conduct. On or about March 16,  
24 2005, pursuant to the Settlement Agreement Between State Board of Nursing and Christina L.  
25 Zylstra, the Missouri State Board of Nursing placed Respondent on probation for a period of five  
26 (5) years on terms and conditions. A true and correct copy of the Settlement Agreement is

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28 ///



1 attached hereto as exhibit "A" and incorporated herein by reference. Pursuant to the Settlement  
2 Agreement, Respondent admits as follows:

3 a. Respondent was employed at Liberty Hospital as a Home Follow-Up  
4 Nurse for the Northland Obstetrics and Gynecology unit ("Northland") until on or around  
5 February 2, 2004.

6 b. On or about January 22, 2004, Respondent telephoned Walgreen's  
7 Pharmacy ("Walgreen's"), falsely represented herself as "Brandi", and fraudulently authorized a  
8 refill prescription under a Northland patient's name for hydrocodone.

9 c. Respondent attempted to pick up the fraudulent refill prescription at  
10 Walgreen's, stating that she was picking up the prescription "for a friend."

11 d. The fraudulent refill prescription was under the name of a Northland  
12 patient for whom Respondent had previously provided home follow-up care in her role as a  
13 registered nurse for Liberty Hospital.

14 e. Respondent attempted to divert the hydrocodone for her own personal use.

15 f. Hydrocodone is a Schedule III controlled substance pursuant to Section  
16 195.017.6(4)(d), RSMo 2000.<sup>1/</sup>

17 g. On or about May 6, 2004, Respondent plead guilty to "Fraudulently  
18 Obtaining or Attempting to Fraudulently Obtain a Controlled Substance" in the Clay County  
19 Drug Court, Case No. CR104-662F.

20 h. The Clay County Drug Court placed Respondent on probation and ordered  
21 Respondent to complete the Clay County Drug Program, a drug diversion program, for a period  
22 of eighteen (18) to twenty-four (24) months.

23 i. Respondent's conduct as alleged herein constitutes a violation of Section  
24 195.204, RSMo 2000.

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27  
28 1. Hydrocodone is also designated as a Schedule III controlled substance in the State of California, pursuant to Health and Safety Code section 11055, subdivision (b)(1)(J).

1 j. Respondent was employed as a practical nurse at Two Rivers Psychiatric  
2 Hospital, Kansas City, Missouri, in August 2004.

3 k. On or about August 12, 2004, Respondent's urine sample tested positive  
4 for opiates, which violated Respondent's probation imposed by the Clay County Drug Court.

5 **PRAYER**


6 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
7 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

8 1. Revoking or suspending Registered Nurse License Number 529154, issued  
9 to Christeena Lynn Zylstra, also known as Christeena L. Zylstra and Christeena Lynn Jones;

10 2. Ordering Christeena Lynn Zylstra, also known as Christeena L. Zylstra and  
11 Christeena Lynn Jones, to pay the Board of Registered Nursing the reasonable costs of the  
12 investigation and enforcement of this case, pursuant to Business and Professions Code section  
13 125.3;

14 3. Taking such other and further action as deemed necessary and proper. d

15 DATED: 11/30/06.

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17   
RUTH ANN TERRY, M.P.H., R.N.  
18 Executive Officer  
19 Board of Registered Nursing  
Department of Consumer Affairs  
State of California

20 Complainant  
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**EXHIBIT A**

**Settlement Agreement Between  
State Board of Nursing and Christeena L. Zylstra**



Matt Blunt  
Governor

DEPARTMENT OF ECONOMIC DEVELOPMENT  
Division of Professional Registration  
Alison Craighead, Director

Gregory A. Steinhoff  
Director

STATE BOARD OF NURSING  
P. O. Box 656, Jefferson City, MO 65102-0656  
800-735-2966 TTY Relay Missouri 800-735-2466 Voice Relay Missouri  
Telephone: 573-751-0681

Lori Scheidt  
Executive Director

Web Site: <http://pr.mo.gov/nursing.asp>

## CERTIFICATION

I, Lori Scheidt, BS, Executive Director, of the Missouri State Board of Nursing, certify that the document(s) which is/are attached is/are true and correct copy(s) of the information contained in the file of:

**CHRISTEENA ZYLSTRA**

**Board Seal**

Missouri State Board of Nursing  
Lori Scheidt, BS  
Executive Director  
April 1, 2005

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## DOCUMENTS ATTACHED

**Disciplinary Agreement(s)**

**SETTLEMENT AGREEMENT BETWEEN STATE BOARD OF NURSING**  
**AND**  
**CHRISTEENA L. ZYLSTRA**

Comes now Christeena L. Zylstra ("Licensee") and the State Board of Nursing ("Board") and enter into this settlement agreement for the purpose of resolving the question of whether Licensee's license as a *registered professional nurse will be subject to discipline.*

Pursuant to the terms of § 536.060, RSMo 2000, the parties hereto waive the right to a hearing by the Administrative Hearing Commission of the state of Missouri and, additionally, the right to a disciplinary hearing before the Board under § 621.110, RSMo 2000, and stipulate and agree that a final disposition of this matter may be effectuated as described below.

Licensee acknowledges that she understands the various rights and privileges afforded her by law, including the right to a hearing of the charges against her; the right to appear and be represented by legal counsel; the right to have all charges against her proven upon the record by competent and substantial evidence; the right to cross-examine any witnesses appearing at the hearing against her; the right to a decision upon the record by a fair and impartial administrative hearing commissioner concerning the charges pending against her and, subsequently, the right to a disciplinary hearing before the Board at which time she may present evidence in mitigation of discipline; and the right to recover attorney's fees incurred in defending this action against her license. Being aware of these rights provided her by operation of law, Licensee knowingly and voluntarily waives each and every one of these

rights and freely enters into this settlement agreement and agrees to abide by the terms of this document, as they pertain to her.

Licensee acknowledges that she has received a copy of the complaint filed with the Board, the investigative report, and other documents relied upon by the Board in determining there was cause for discipline against Licensee's license. For the purpose of settling this dispute, Licensee stipulates that the factual allegations contained in this settlement agreement are true and stipulates with the Board that Licensee's license as a registered professional nurse, License Number RN138741, is subject to disciplinary action by the Board in accordance with the provisions of Chapter 621 and Chapter 335, RSMo 2000.

Joint Stipulation of Facts

1. The State Board of Nursing ("Board") is an agency of the State of Missouri created and established pursuant to § 335.021, RSMo, for the purpose of executing and enforcing provisions of chapter 335, RSMo, the Nursing Practice Act.
2. Respondent, Christeena L. Zylstra ("Zylstra") is licensed by the Board as a registered professional nurse, license number RN138741. This license is now current and active, and was so at all times relevant herein.
3. Zylstra was employed at Liberty Hospital as a Home Follow-up Nurse for the Northland Obstetrics and Gynecology unit ("Northland") until on or around February 2, 2004.
4. On or about January 22, 2004, Zylstra telephoned Walgreen's Pharmacy

("Walgreen's), falsely represented herself as "Brandi," and fraudulently authorized a refill prescription under a Northland patient's name for hydrocodone.

5. Zylstra attempted to pick up the fraudulent refill prescription at Walgreen's, stating that she was picking up the prescription "for a friend."

6. The fraudulent refill prescription was under the name of a Northland patient for whom Zylstra had previously provided home follow-up care in her role as registered nurse for Liberty Hospital.

7. Zylstra attempted to divert the hydrocodone for her own personal use.

8. Hydrocodone is a Schedule III controlled substance pursuant to Section 195.017.6(4)(d), RSMo 2000.

9. On or about May 6, 2004, Zylstra plead guilty to "Fraudulently Obtaining or Attempting to Fraudulently Obtain a Controlled Substance" in the Clay County Drug Court, Case No. CR104-662F.

10. The Clay County Drug Court placed Zylstra on probation and ordered Zylstra to complete the Clay County Drug Court Program, a drug diversion program, for a period of eighteen (18) to twenty-four (24) months.

11. Section 195.204, RSMo 2000, states in relevant part:

1. A person commits the offense of fraudulently attempting to obtain a controlled substance if he obtains or attempts to obtain a controlled substance or procures or attempts to procure the administration of the controlled substance by fraud, deceit, misrepresentation, or subterfuge. . .or by the use of a

false name or the giving of a false address. The crime of fraudulently attempting to obtain a controlled substance shall include, but shall not be limited to nor be limited by the following:

....

(2) For the purpose of obtaining a controlled substance, falsely assuming the title of, or representing oneself to be, a manufacturer, wholesaler, pharmacist, physician, dentist, podiatrist, veterinarian, or other authorized person;

(3) Making or uttering any false or forged prescription or false or forged written order;

....

12. Zylstra's conduct as alleged herein constitutes a violation of Section 195.204, RSMo 2000.

13. Zylstra was employed as a practical nurse at Two Rivers Psychiatric Hospital, Kansas City, Missouri, in August, 2004.

14. On or about August 12, 2004, Zylstra's urine sample tested positive for opiates, which violated Zylstra's probation imposed by the Clay County Drug Court.

15. Zylstra's conduct as alleged herein was willful and with wrongful intention.

Joint Conclusions of Law

16. Cause exists for Petitioner to take disciplinary action against Zylstra's license under Section 335.066.2(2), (5), (12), and (14), RSMo 2000, which states in relevant part:

2. The board may cause a complaint to be filed with the administrative hearing commission as



provided by chapter 621, RSMo, against any holder of any certificate of registration or authority, permit or license required by sections 335.011 to 335.096 or any person who has failed to renew or has surrendered his or her certificate of registration or authority, permit or license for any one or any combination of the following causes:

....

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution pursuant to the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated pursuant to sections 335.011 to 335.096, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

....

(5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of any profession licensed or regulated by sections 335.011 to 335.096;

....

(12) Violation of any professional trust or confidence;

....

(14) Violation of the drug laws or rules and regulations of this state, any other state or the federal government

Joint Agreed Disciplinary Order

Based upon the foregoing, the parties mutually agree and stipulate that the following shall constitute the disciplinary order entered by the Board in this matter under the authority of § 621.045.3, RSMo 2000.

1. Licensee's license as a registered professional nurse, License No. RN138741, is immediately placed on PROBATION for a period of five (5) years. The terms of the probation shall be:

I. MEETINGS WITH THE BOARD

Licensee shall appear before the Board, on at least one occasion, at the Board's regular spring and/or fall meeting(s) or, as designated by the Board, shall meet with a member of the Board's professional staff within a period of six (6) weeks prior to the Board's regular spring and/or fall meeting(s).

Failure to appear for a meeting at such time and place as required by the Board, after notification of a required meeting or failure to submit required documentation by the due date, shall constitute a violation of Licensee's discipline.

II. REQUIREMENTS REGARDING EMPLOYMENT:

A. Licensee shall cause an evaluation form from each and every employer to be submitted to the Board six (6) weeks prior to the Board's regular spring and/or

fall meetings. The evaluation form shall be completed by Licensee's supervisor within a four (4) week period prior to the date it is due. If Licensee ends employment with an employer, Licensee shall, in addition, cause a final evaluation form from that supervisor to be submitted to the Board within a six (6) week period following the last day of employment.

- B. The evaluation shall be an evaluation of Licensee's job performance using a form prescribed by the Board and shall be sent by the supervisor addressed to: State Board of Nursing, P.O. Box 656, Jefferson City, Missouri 65102.
- C. If Licensee is not employed at any time during the period of discipline, Licensee shall instead submit six (6) weeks prior to the Board's regular spring and/or fall meetings, an affidavit signed before a notary public stating the period(s) of unemployment.
- D. Licensee shall execute any release or provide any other authorization necessary for the Board to obtain records of Licensee's employment during the period covered by this agreement.
- E. Licensee shall keep the State Board of Nursing informed of her current place of employment or of any changes in her place of employment by notifying the Board within ten (10) working days of such a change.
- F. Licensee may not serve on the administrative staff, as a member of the faculty, or as a preceptor at any accredited school of professional or practical nursing.

- G. Licensee shall not carry narcotic keys or have access to automated dispensing devices which contain controlled substances.
- H. Licensee shall not administer controlled substances.
- I. Licensee shall only work as a nurse at a facility where there is on-site supervision by another nurse or physician.
- J. Licensee shall not work for a temporary employment agency.
- K. Licensee shall not work in home health care and/or durable medical equipment.
- L. Licensee shall not work in home health care or durable medical equipment.

III. REQUIREMENTS REGARDING CHEMICAL DEPENDENCY TREATMENT AND REHABILITATION:

- A. Licensee shall, within six (6) weeks from the effective date of this agreement, undergo a thorough evaluation for chemical dependency performed by a licensed chemical dependency professional.

Licensee shall have the chemical dependency professional mail the results of the evaluation directly to the State Board of Nursing, P.O. Box 656, Jefferson City, Missouri 65102 within ten (10) working days after the evaluation is complete.

Each written evaluation shall include a description of the tests performed and test results, discussion of relevant clinical interview findings/interpretations, specification of DSM IV diagnosis/es, and discussion of appropriate treatment

recommendations/plan. If there is no diagnosis requiring treatment, this should be specified in the evaluation. Licensee shall follow any recommendations for treatment made by that chemical dependency professional. Licensee shall comply with Paragraphs B through J if treatment is recommended. If the chemical dependency professional determines that treatment is not recommended, Licensee shall execute a release so that the Board can obtain the evaluation and supporting documents. If treatment is not recommended, Paragraphs D through I do not apply to Licensee. Licensee shall show this agreement to the chemical dependency professional before the evaluation is performed.

- B. The chemical dependency professional shall submit to the Board evidence that he or she is licensed or certified in the treatment of chemical dependency.
- C. If treatment is recommended, Licensee shall execute a medical release or other appropriate release which shall remain in effect for the entire period covered by this agreement authorizing the Missouri State Board of Nursing to obtain records of Licensee's treatment for chemical dependency. Licensee shall not take any action to cancel this release. Licensee shall take any and all steps necessary to continue the release in effect and shall provide a new release when requested.

- D. Licensee shall cause a letter of ongoing treatment evaluation from the chemical dependency professional to be submitted to the Board six (6) weeks prior to the Board's regular spring and/or fall meetings.
- (1) The letter shall include an evaluation of Licensee's current progress and status related to the treatment recommendations/plan and Licensee's current prognosis and treatment recommendations/plan.
  - (2) The letter shall be sent by the chemical dependency professional addressed to: Missouri State Board of Nursing, P.O. Box 656, Jefferson City, Missouri 65102.
- E. If the treatment of Licensee is successfully completed at any time during the period covered by this agreement, Licensee shall cause the chemical dependency professional to submit a letter of final evaluation/summary which includes a statement that Licensee has successfully completed treatment and indicates whether Licensee should continue in a twelve-step program. If continuance in a twelve-step program is recommended, Licensee shall comply with terms of documentation as outlined in paragraph F.
- F. Licensee shall submit evidence of weekly (or recommended) attendance at Alcoholics Anonymous, Narcotics Anonymous, or other support group meetings to the Board six (6) weeks prior to the Board's regular spring and/or fall meetings. The documentation shall be on forms provided by the Board and

shall include the date, time and place of the meeting, and shall bear a signature or abbreviated signature of another person verifying attendance.

- G. During the disciplinary period, Licensee shall abstain completely from the use or consumption of alcohol. The presence of any alcohol whatsoever in a biological fluid sample shall constitute a violation of Licensee's discipline.
- H. During the disciplinary period, Licensee shall abstain completely from the personal use or possession of any controlled substance or other drug for which a prescription is required unless that use of the drug has been prescribed by a person licensed to prescribe such drug and with whom Licensee has a bona fide relationship as a patient. Upon request, Licensee shall execute a medical release authorizing the Board to access all records pertaining to Licensee's condition, treatment and prescription maintained by the health care professional that prescribed the controlled substance. The presence of any controlled substance in a biological fluid sample for which Licensee does not hold a valid prescription shall constitute a violation of Licensee's discipline.
- I. Licensee shall inform any professional preparing a prescription for Licensee that Licensee is chemically dependent.
- J. Licensee shall provide the Board with documentation of any prescription upon request.

#### IV. DRUG SCREENS

Licensee shall contract with a third party acceptable to the Board to schedule random witnessed screening for alcohol and other drugs of abuse or serum screening for alcohol or other drugs of abuse at least once per quarter, i.e. four times per year.

Licensee shall be given no more than 24 hours notice when a screen is to be performed. The random urine/serum screens shall be at the expense of Licensee.

Written results of the screens shall be sent directly to the State Board of Nursing, P.O. Box 656, Jefferson City, Missouri 65102 by the party administering the screen within ten (10) working days after the screen. Licensee shall show this agreement to the third party who is scheduling the random screens.

Within twenty (20) working days of the effective date of this agreement, Licensee shall submit to the Board for approval the name of the third party Licensee intends to use for random screens.

#### V. GENERAL REQUIREMENTS

- A. Licensee shall meet with the Board or its representatives at such times and places as required by the Board after notification of a required meeting.
- B. Licensee shall immediately submit documents showing compliance with the requirements of this agreement to the Board when requested.
- C. Licensee shall inform the Board within ten (10) days of any change of home address or home telephone number.



- D. Licensee shall not violate the Nursing Practice Act, Chapter 335, RSMo, shall not allow her license to lapse.
- E. The terms of discipline apply even if Licensee places her license on inactive status.
- F. If Licensee fails to comply with the terms of this agreement, in any respect, the Board may impose such additional or other discipline which it deems appropriate, including imposition of the Revocation.
2. The parties to this settlement agreement understand that the Board of Nursing will maintain this settlement agreement as an open and public record of the Board as provided in Chapters 335, 610, and 620, RSMo.
3. Upon the expiration of said discipline, Licensee's license as a registered professional nurse in Missouri shall be fully restored if all other requirements of law have been satisfied; provided, however, that in the event the Board determines that the Licensee has violated any term or condition of this settlement agreement, the Board may, in its discretion, after an evidentiary hearing, vacate and set aside the discipline imposed herein and may suspend, revoke, or otherwise lawfully discipline the Licensee.
4. No order shall be entered by the Board pursuant to the preceding paragraph of this settlement agreement without notice and an opportunity for hearing before the Board in accordance with the provisions of Chapter 536, RSMo.
5. If the Board determines that Licensee has violated a term or condition of this settlement agreement, which violation would also be actionable in a proceeding before the

Administrative Hearing Commission or the circuit court, the Board may elect to pursue any lawful remedies or procedures afforded it and is not bound by this settlement agreement in its determination of appropriate legal actions concerning that violation. If any alleged violation of this settlement agreement occurred during the disciplinary period, the Board may choose to conduct a hearing before it either during the disciplinary period, or as soon thereafter as a hearing can be held to determine whether a violation occurred and, if so, it may impose further discipline. The Board retains jurisdiction to hold a hearing to determine if a violation of this settlement agreement has occurred.

6. The terms of this settlement agreement are contractual, legally enforceable, and binding, not merely recital. Except as otherwise contained herein, neither this settlement agreement nor any of its provisions may be changed, waived, discharged, or terminated, except by an instrument in writing signed by the party against whom the enforcement of the change, waiver, discharge, or termination is sought.

7. Licensee hereby waives and releases the Board, its members and any of its employees, agents, or attorneys, including any former Board members, employees, agents, and attorneys, of, or from, any liability, claim, actions, causes of action, fees, costs and expenses, and compensation, including, but not limited to, any claims for attorney's fees and expenses, including any claims pursuant to § 536.087, RSMo, or any claim arising under 42 U.S.C. § 1983, which may be based upon, arise out of, or relate to any of the matters raised in this litigation, or from the negotiation or execution of this settlement agreement. The parties acknowledge that this paragraph is severable from the remaining portions of this

settlement agreement in that it survives in perpetuity even in the event that any court of law deems this settlement agreement or any portion thereof void or unenforceable.

**LICENSEE AS EVIDENCED BY THE INITIALS ON THE APPROPRIATE  
LINE**

\_\_\_\_\_ **REQUESTS**

CZ \_\_\_\_\_ **DOES NOT REQUEST**

**THE ADMINISTRATIVE HEARING COMMISSION TO DETERMINE IF THE  
FACTS SET FORTH HEREIN ARE GROUNDS FOR DISCIPLINING LICENSEE'S  
LICENSE AS A REGISTERED PROFESSIONAL NURSE.**

If Licensee has requested review, Licensee and Board jointly request that the Administrative Hearing Commission determine whether the facts set forth herein are grounds for disciplining Licensee's license and issue findings of fact and conclusions of law stating that the facts agreed to by the parties are grounds for disciplining Licensee's license. Effective the date the Administrative Hearing Commission determines that the settlement agreement sets forth cause for disciplining Licensee's license, the agreed upon discipline set forth herein shall go into effect.

If Licensee has not requested review by the Administrative Hearing Commission, the settlement agreement goes in to effect 15 days after the document is signed by the Executive Director.

LICENSEE

Christeena L Zylstra  
Christeena L. Zylstra

Date March 10, 2005

BOARD

Lori Scheidt  
Lori Scheidt  
Executive Director  
State Board of Nursing

Date 3.16.2005

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